

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:07CV422
)	
v.)	
)	
RAYMOND A. MATHEWS, Deceased,)	MEMORANDUM AND ORDER
PAULINE E. MATHEWS, ADAM R.)	
LUCERO, RESURGENT CAPITAL)	
SERVICES, L.P., CAMILLE R.)	
HAWK, Trustee, GENERAL)	
COLLECTION, Co., and CREDIT)	
SERVICE ASSOCIATES, Inc.,)	
)	
Defendants.)	
)	

Pursuant to the court's authorization, the plaintiff served defendant Adam R. Lucero by publication. Filings 15 & 21. The defendant received notice of the suit and filed a pro se answer generally denying the plaintiff's allegations, and specifically reserving the right to file a more specific answer upon receipt of the plaintiff's complaint. Filing 17.

Defendant Adam R. Lucero has now filed a motion and a request to receive a copy of the plaintiff's complaint, (filings 22 & 23), and moves for a 90-day extension of the deadline to file an answer. Filing 19. These filings do not include a certificate of service because, according to defendant Lucero, he does not have sufficient information concerning who is initiating this lawsuit. The plaintiff has responded to these filings, thereby evidencing that it has received these filings through the court's electronic filing system.

The plaintiff opposes defendant Adam R. Lucero's request for a 90-day extension of the answer deadline as excessive, and

further moves for an order permitting it to serve the defendant Adam R. Lucero with a copy of the complaint at the address now disclosed in this defendant's filings. Filing 24.

Upon review of the unique circumstances as evidenced by the filings herein,

IT IS ORDERED:

1. Although they lack a certificate of service, the filings of defendant Adam R. Lucero, (filings 17, 19, 22 & 23), are deemed properly filed. The clerk shall not strike these pleadings and filings from the docket for lack of a certificate of service.
2. The plaintiff's motion for leave to serve its complaint upon defendant Adam R. Lucero, filing 24, is granted.
3. Defendant Adam R. Lucero's motion for information and request for service of process and a copy of the original complaint, filings 22 & 23, are denied as moot.
4. Defendant Adam R. Lucero's motion for extension of time to file an answer, filing 19, is granted in part. Defendant Adam R. Lucero shall file his response to the plaintiff's complaint within twenty days after he receives a copy of the complaint from the plaintiff through either personal delivery or certified mail.

DATED this 17th day of March, 2008.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge